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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,381	12/21/2001	Amr Yassin	US 010662	4887

24737 7590 08/08/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2152

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,381	YASSIN ET AL.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 5/19/2006 has been placed of record in the file.
2. Claims 1, 5, 14, and 17-20 have been amended.
3. Claim 16 has been canceled.
4. Claims 1-15 and 17-20 are now pending.
5. The applicant's arguments with respect to claims 1-15 and 17-20 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

6. Claims have been amended to incorporate subject matter into the independent claims that was previously presented in various dependent claims. However, none of the amended claims show a patentable distinction over the previous prior art of record. Since some claims have changed, the rejection is presented again, taking into account the amendments to the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimoto (U.S. Patent Number 6,792,577).

9. Kimoto has disclosed:

- <Claim 20>

A system for using a format preferred for a device, the system comprising: a network that includes a data repository (figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5); said device, connected to the network and having a data format preference (figure 5, item 18/68 and column 15, line 64 through column 16, line 2); and a data packet containing a request for specific information, said data packet including said data format preference, wherein said data packet is prepared by the device and transmitted over the network to said data repository (column 15, lines 21-34 and column 16, lines 7-9), said network being configured for using said data packet, in preparing the specific information for transmission to said device, said data format preference stored by said data repository (column 16, lines 29-41), wherein the specific information requested is electronic programming guide information (column 16, lines 60-63).

- <Claim 17>

The system of claim 20, wherein the data repository extracts the specific information of the request, formats the specific information in accordance with said data format preference, and transmits the specific information over the communication network to the device (column 16, lines 42-63).

- <Claim 18>

The system according to claim 20, wherein the data repository is an extensible Markup Language (XML) data repository, which includes an XML database in connection with an Extensible Stylesheet Language Transformation (XSLT) engine, and the request for specific information and the device format preference are in an Extensible Stylesheet Language (XSL) stylesheet (column 16, lines 7-31).

- <Claim 19>

The system according to claim 20, wherein the network is an In-Home Digital Network (IHDN) (figure 1).

Since all the limitations of the invention as set forth in claims 17-20 were disclosed by Kimoto, claims 17-20 are rejected.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto.

12. Concerning claim 4, Kimoto did not explicitly state using a network address of the device as a device identifier. However, network addresses were well known in the art and Kimoto's system must know the device's network address in order to send the correct information to the correct device. Since a network address uniquely identifies each device on the network, it would

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make sense to use the address as a device identifier. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Kimoto by adding the ability to use a network address of the device as a device identifier.

13. Concerning claims 1, 5, 6, and 14, Kimoto did not explicitly state sending the device format preference upon connection to the network. However, automatically sending control information upon a device's connection to a network was well known in the art. Since the network needs the device format preference in order to send the correct information to the correct device, it would make sense that the device format preference be sent as control information to the network upon connection by the device. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Kimoto by adding the ability to send the device format preference upon connection to the network.

14. Thereby, Kimoto discloses:

- <Claim 1>

A method for utilizing a data format preference of a device, comprising: connecting a device to a network having a data repository (figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5); sending a device format preference to said data repository in response to said connecting at a time the device is initially connected to the network (obviousness as discussed above), the device format preference including format information for needed data (column 16, lines 7-28); utilizing, on the network, the device format preference from the data repository in preparing the needed data for transmission

to said device (column 16, lines 29-41); and sending the prepared needed data to said device (column 16, lines 42-63).

- <Claim 2>

The method of claim 1, further comprising saving the device format preference in the data repository (column 16, lines 23-28).

- <Claim 3>

The method of claim 1, wherein the device format preference is sent with a device identifier (column 16, lines 10-14).

- <Claim 4>

The method of claim 1, wherein the device format preference is saved with a network address of the device to be used as a device identifier by the data repository (obviousness as discussed above).

- <Claim 5>

A method for utilizing a data format preference of a device, comprising: connecting a device to a network having a data repository (figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5); sending a device format preference to said data repository when the device is connected to the network, the device format preference including format information for needed data (column 16, lines 7-28); utilizing, on the network, the device format preference from the data repository in preparing the needed data for transmission to said device (column 16, lines 29-41); and sending the prepared needed data to said device (column 16, lines 42-63), wherein the device connected to the

network sends the device format preference each time it is connected to the network (obviousness as discussed above).

- <Claim 6>

The method of claim 1, wherein the network is an automatic configuration network, so that any device connected thereto sends the device format preference upon initial connection to the network (obviousness as discussed above, along with the fact that Kimoto saves the device format preference so that the device wouldn't necessarily have to send it again after an initial connection).

- <Claim 7>

The method of claim 1, further comprising: sending a request for specific information by the device (column 16, lines 7-17); extracting, by the data repository from data storage, specific information (column 16, lines 35-41); retrieving the device format preference by the data repository using a device identifier (column 16, lines 23-34); formatting the specific information according to the device format preference (column 16, lines 42-47); and sending the specific information over the network to the device from the data repository (column 16, lines 48-63).

- <Claim 8>

The method according to claim 7, wherein the device is an electronic device, and the request for the specific information and device format preference are embodied as one or more data packets (figure 5, item 18/68 and column 15, lines 21-34).

- <Claim 9>

The method according to claim 7, wherein the data repository is an extensible Markup Language (XML) data repository (column 16, lines 7-31).

- <Claim 10>

The method according to claim 7 wherein the data repository includes an extensible Markup Language (XML) database in communication with an Extensible Stylesheet Language Transformation (XSLT) engine in communication with the network (column 16, lines 7-31).

- <Claim 11>

The method according to claim 7, wherein the request for information is in an Extensible Stylesheet Language (XSL) stylesheet (column 16, lines 7-31).

- <Claim 12>

The method according to claim 7, wherein the network is an In-Home Digital Network (IHDN) (figure 1).

- <Claim 13>

The method according to claim 7, wherein the device is any one of the group comprising a personal computer, personal digital assistant, television, video cassette recorder, personal video recorder, remote control, and audio system, and the specific information requested is electronic program guide information (figure 5, item 18/68 and column 16, lines 60-63).

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- <Claim 14>

A method for recognizing a preferred format of a device comprising: connecting the device to an In-Home Digital Network (IHDN) network that has an extensible Markup Language (XML) data repository (figure 1; column 6, lines 40-48; and column 11, line 64 through column 12, line 5); sending, in response to said connecting at a time the device is initially connected to the network or, by the device connected to the network the device format preference each time said device is connected to the network (obviousness as discussed above), an Extensible Stylesheet Language (XSL) stylesheet request for excerpted electronic programming guide (EPG) information, including a device format preference from the device, over the IHDN network to an Extensible Stylesheet Language Transformation (XSLT) engine in communication with the XML data repository (column 16, lines 7-31); and utilizing, on the network, said device format preference from the XML data repository in preparing data for transmission to said device (column 16, lines 31-41).

- <Claim 15>

The method of claim 14, further comprising extracting the requested excerpted EPG information by the XSLT engine from the XML data repository (column 16, lines 35-41); formatting the excerpted EPG information in accordance with said device format preference (column 16, lines 42-47); and sending the excerpted EPG information by the XSLT engine to the device over the IHDN network (column 16, lines 48-63).

Since Kimoto discloses all of the above limitations, claims 1-15 are rejected.

Response to Arguments

15. In the remarks, the applicant has argued:

- <Argument 1>

Kimoto does not disclose the features of claim 20 because he does not disclose that “the specific information requested is electronic programming guide information” as recited in claim 20.

- <Argument 2>

The limitations relating to “sending a device format preference to said data repository in response to said connecting” and the like as presented in claims 1, 5, 6, and 14 are not obvious over Kimoto.

- <Argument 3>

Kimoto does not disclose the features of claim 7 because he does not disclose “sending a request for specific information by the device” as recited in claim 7.

16. In response to argument 1, Kimoto does disclose that the specific information requested is electronic programming guide information as recited in claim 20. The previous line citation, column 16, lines 60-63, clearly states that the requested information being returned to the user is the introduction information of the program A. This program A introduction data clearly meets the limitation of electronic programming guide information. The applicant has argued on page 8 of the remarks that “The fetched style sheet does not contain the created program A introduction data, and therefore does not contain the ‘request for specific information’,” however it is not clear how this applies to the limitation at hand as the fact that the style sheet does not contain the

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program does not appear to be relevant. The style sheet is in fact used to create the program which is the specific information returned to the user.

17. From the further remarks concerning argument 1, it appears as though the applicant has misinterpreted the rejection. The applicant states that “Presumably, then, the XML document is in what the Office Action calls the ‘data packet’,” however this ignores the previous line citation, column 15, lines 21-34, which deals with the generation and use of the style using-right key. The applicant also states that “Accordingly, the Office Action presumably sees the server 1 or satellite 5 as the device by which ‘said data packet is prepared’,” however this ignores the previous line citation that clearly points to figure 5, item 18/68 as the device.

18. In response to argument 2, it is maintained that claims 1, 5, 6, 14, and related claims are obvious over Kimoto. It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to modify the system of Kimoto by adding the ability to send the device format preference upon connection to the network as automatic connection to the network in which devices exchange control information was well known. On page 9 of the remarks the applicant presents various scenarios in which a user “might” effectuate a download. However, these remarks present no proof that exchanging control information between devices when a device is connected to the network was not well known at the time of the applicant’s invention.

19. In fact, the applicant’s background to the invention clearly states that Universal Plug-n-Play systems were well known at the time of the invention. See the specification, page 3. In a Universal Plug-n-Play (UPnP) network, newly connected devices must communicate control information to a server or other control device on the network in order to automatically be configured for communication upon connection. This is the nature of UPnP. Further, Kimoto is

in fact able to communicate attribute information between devices for the purpose of configuring the devices to understand each other. Kimoto states the use of “information necessary for each apparatus to understand the meaning of contents and to process them when a connection is made among different apparatuses.” See column 2, lines 44-55.

20. In response to argument 3, Kimoto does disclose that the device sends a request for specific information as recited in claim 7. From the remarks, it appears the applicant has misinterpreted the rejection. The applicant chooses to discuss “a CPU as having a preference” which appears nowhere in the previous line citation to column 16, lines 7-17. In fact, the applicant has ignored this line citation altogether. Kimoto clearly states the use of the enabled style using-right key from which a style ID is fetched.

21. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102 and 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

22. The applicant's amendment necessitated the new grounds of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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